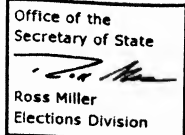




# Election Integrity Violation Report

Nevada Secretary of State Ross Miller  
Election Integrity Task Force

KRut  
10/22/12



To report an allegation of voter fraud to the Office of Secretary of State, please fill out this form and submit as instructed.

**Privacy Notice:** Information submitted to this office on this page will be used for official purposes only. Personal information is requested only to facilitate the processing of each report. Please note that when you submit your message online, we log your computer's IP address and other technical information that may be useful in assisting you. All complaints received will be kept confidential.

Title: ☐ Mr. ☒ Mrs. ☐ Ms. ☐ Miss ☐ Dr. ☐ Rev.

Last Name  First Name

Street Address

City  Reno State  Nevada Zip Code

Phone:  Fax:  Email Address:

County:  Washoe Date Incident Occurred:  10 /  18 /  2012 (mm/dd/yyyy)

Name of Polling Place:

Name, address and phone number of additional persons to contact concerning this complaint:

Two individuals who received robocalls on their cell phones who I believe have also filed FCC complaints

Explain the entire circumstances surrounding your complaint. Please be VERY specific and include ALL relevant information:

On October 18, 2012 I began receiving many calls on my cell phone from numbers I did not recognize. The call volume of approximately 20 calls per hour came in from approximately 9:30 am until about 4:30pm. Since I did not recognize the numbers I did not answer initially and many did not leave messages. Finally one did. The voicemail message said "stop calling me". Since I had not called this number, nor any of the other unidentifiable numbers I called the gentleman back. His name is Rick Mascally and he stated that he had received an automated message on his personal cell phone saying something about pressing "1" so he did. When he pressed "1" it forwarded him to my personal cell phone . Upon further investigation I discovered that my opponent Kitty Jung, had put out a political robocall telling people that I was lying and to press "1" to tell Neoma Jardon to stop lying. After this I started answering some of these incoming calls and discovered that many were made to cell phones and all were forwarded to my cell phone when the caller pressed "1". This is a violation of FCC guidelines relating to political robocalls to cell phones unless prior permission is given. I contacted attorney Mike Pagni 775-788-2000 asking for his legal opinion and he stated that his interpretation of the FCC notification on political robocalls to cellphones clearly violated FCC guidelines and that all calls that pressed "1" that connected automatically to my cell phone were also violations. The robocall message also does not identify the name of the person or entity responsible for the call at the beginning of the message nor does it provide the telephone number of the person or entity responsible for the call during or after the message. I have filed a complaint with the FCC and I understand others the robocalls as well. I will provide the FCC notice if desired as well as a recording of the robocall message.

This information may be submitted on our website or sent via fax, email and regular mail:

Nevada Secretary of State Ross Miller  
Election Integrity Task Force  
101 North Carson Street, Suite #3  
Carson City, NV 89701

Phone: 775-684-5705  
\* Fax: 775-684-5718  
Email: nvelect@sos.nv.gov  
Website: www.nvsos.gov

## Scott F. Gilles

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**From:** Scott F. Gilles  
**Sent:** Wednesday, October 24, 2012 3:20 PM  
**To:** 'neomajardon@yahoo.com'  
**Cc:** Shelly Capurro  
**Subject:** RE: Confirmation of Discussion

Ms. Jardon:

I just had the opportunity to review the message that I believe is the subject of your complaint (<http://renomemo.rgj.com/ward-5-city-council-candidate-jardon-files-complaint-over-robocall-issued-by-jung/>).

Upon review of the version on the rgj.com's website, it is clear that the message discloses who paid for the message. As such, unless you are sending me a different version of the message that was sent out by Jung campaign, the Secretary of State's office finds no violation of Title 24 and will close this file.

Thank you.

*Scott F. Gilles*  
Deputy Secretary for Elections  
Office of Secretary of State Ross Miller  
101 North Carson Street, Suite #3  
Carson City, NV 89701  
Telephone: (775) 684-5705

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**From:** Scott F. Gilles  
**Sent:** Wednesday, October 24, 2012 3:05 PM  
**To:** 'neomajardon@yahoo.com'  
**Cc:** Shelly Capurro  
**Subject:** Confirmation of Discussion

Ms. Jardon:

This e-mail shall serve to memorialize the conversation we had this afternoon regarding the Election Integrity Violation Report you filed on October 22, 2012.

As discussed, the FCC violations you alleged are not within the jurisdiction of the Secretary of State's office and are not a violation of Title 24 (Nevada's Election Laws). With regard to your concern over the proper disclosure in the actual message, when I receive from you a copy of the transcript of the message we will review to determine if it is inconsistent with the requirements under state law.

Thank you.

*Scott F. Gilles*  
Deputy Secretary for Elections  
Office of Secretary of State Ross Miller  
101 North Carson Street, Suite #3  
Carson City, NV 89701  
Telephone: (775) 684-5705